vss

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1922 OF 2007

Anjali Niranjan Mulay & Anr. ... Petitioners

V/s.

Lala Urban Co-op. Bank Ltd. & Ors. ... Respondents

Mr.A.M. Kulkarni for Petitioners
Mr.V.D. Raut for Respondent No.1
Mr.R.N. Sanghavi for Respondent No.5

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **DECEMBER 6, 2007**

P.C.:

. The petition challenges the order passed by Respondent No.4 i.e. Divisional Joint Registrar, Cooperative Societies, Pune Division, Pune on 23.2.2007 in the revision application filed before him. One of the prayers in this petition is that the respondent-bank should settle the loan account in question of the petitioners under the one time settlement scheme.

2. The bank has filed an affidavit on 2.8.2007 of Krishna Narayan Bhadrige, CEO of the Lala Urban Cooperative Bank Ltd. in which it is averred that the petitioners have paid an amount of Rs.49 lacs by way of a one time settlement of the loan transaction between the petitioner and the respondent No.1 bank.

3. This averment contained in the affidavit is denied by the petitioner although they agree that Rs.49 lacs have been paid by them. According to the petitioners, the amount was paid under protest. No evidence has been produced in this Court to indicate that the amount has been paid under protest.

4. in view of the statement made in the affidavit, the petition is rejected. However, this order will not preclude any proceedings which the petitioners want to initiate against the bank.